REMARKS

This amendment is submitted in response to the Examiner's Action dated July 7, 2003. Applicants have amended the specification (and drawings) pursuant to the Office Action. Applicants have also amended the claims to clarify key features of the invention within the independent claims. No new matter has been added, and the amendments place the claims in condition for allowance. Applicants respectfully request entry of the amendments to the claims. Where comments/responses are provided below addressing the claim rejections, those comments/responses reference the claims in their amended form.

DRAWING OBJECTIONS

In the present Office Action, the drawings are objected to for failing to include reference numerals mentioned in the description. The drawings are also objected to because certain references do not match numbers mentioned in the description. Examiner indicates that these drawing objections may be overcome by appropriate amendments to the specification. Accordingly, Applicants have amended the specification to provide accurate correlation of reference numbers in the drawings with the descriptions of the specific features they represent.

Thus, (1) reference numbers 207 and 555 have been added to the appropriate descriptions; and (2) reference numbers 1107 and 1103 have been provided to replace incorrect reference numbers 1007 and 1003, respectively.

With respect to reference number 1007, Examiner incorrectly states that reference number 1007 is not mentioned in the description of Figure 10. Applicants point Examiner to page 26, line 11, which provides a description of the satellite link of Figure 10 with the reference number 1007 recited therein.

Finally, with respect to reference number 600, Applicants acknowledge that Figure 6A did not accurately reflect reference number 600. Accompanying this amendment are corrected formal drawings, in which Figure 6A now depicts the reference number 600.

The above combination of specification and drawing amendments overcome all of the present drawing objections, and Applicants respectfully request removal of the objection to the drawings.

SPECIFICATION OBJECTIONS

On page 3 of the Office Action, the specification is objected to because of informalities. Also, the title is objected to as being non-descriptive. Applicants have amended the specification to remove the stated informality. Applicants have also provided a new title, which describes the invention as described and claimed by Applicants specification and claims. These amendments overcome the objections to the specification, and Applicants respectfully request removal of the objection to the specification.

ALLOWABLE SUBJECT MATTER

In the present Office Action, Examiner states that Claim 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for extending the allowance of this claim. However, Applicants have amended the independent claims and have provided arguments below that explain why the other, presently rejected claims are also allowable. Should the Examiner agree with Applicants that the other claims are also allowable over the reference, Applicants respectfully request Examiner extend the allowance to cover all pending claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

In the present Office Action, Claims 1-28 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Brendel, et al. (U.S. Patent No. 5,774,600) in view of Rosin, et al. (U.S. Patent No. 6,397,387). The combination of Brendel and Rosin does not render Applicants' invention unpatentable because that combination fails to suggest the subject matter of Applicants' claimed invention.

Applicants' invention provides a client system GUI that enables the user to select one of a plurality of connection types (media and server, etc.) to complete a connection to a network. Also, Applicants' invention enables a dynamic selection of a most efficient/effective route (server, connection type, etc.) based on stored historical data. Other novel features are also provided by Applicants' claimed invention.

Brendel in contrast provides a load balancer (or resource allocation method) that assigns a new load/connection to a server based on the current relative loads of each server. Notably, the

load balancing does not occur at the client from which the load/connection is originating. Also, the servers are assigned without any consideration for connection media or other parameters such as historical data. The cited sections of Brendel are devoid of any suggestion of the above described features of Applicants' invention. Examiner admits that Brendel does not provide the selection features of Applicants' invention, and relies on Rosin to support his rejection of that feature within the claims. A1

Rosin provides an internet on-demand system for television that provides both internet content and television programming as part of a coherent interface (Abstract and Summary). With Rosin, the **server queries** the **client** regarding available data stream connections to determine delivery of different types of data (col. 3, lines 20-25). Thus, Rosin clearly teaches a server function that accesses a client that is providing data to determine a delivery mode. Rosin clearly does not teach or suggest a client system that dynamically makes a determination of a best route/connection including selecting one of multiple servers to utilize. Nor does Rosin teach or suggest a client system with a GUI that allows the user to select which connection among several available connections (including several different servers and connection media) to utilize to complete a connection. Rosin also does not teach or suggest use of historical data in making the selection. Since neither Rosin or Brendel teach or suggest any of these features of Applicant's invention, the combination cannot render Applicant's invention unpatentable. A2

In light of the above arguments, one skilled in the art would not find Applicants' invention to be suggested by the combination of the above references. Applicants' claims are therefore allowable over the above combination of references.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the specification and drawings to overcome both drawing objections and specification objections (including an objection to the title). Applicants have further amended the claims to more clearly recite the novel features of Applicants' invention, and Applicants have explained why the claims are not suggested by the combination of Brendel and Rosin. The amendments and arguments overcome the §103 rejections, and Applicants, therefore, respectfully request removal of the rejections and issuance of a Notice of Allowance for all claims now pending.

Applicants also requests the Examiner contact the undersigned attorney of record at (512) 542-2100 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

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ATTORNEY FOR APPLICANTS

OIPE JC173
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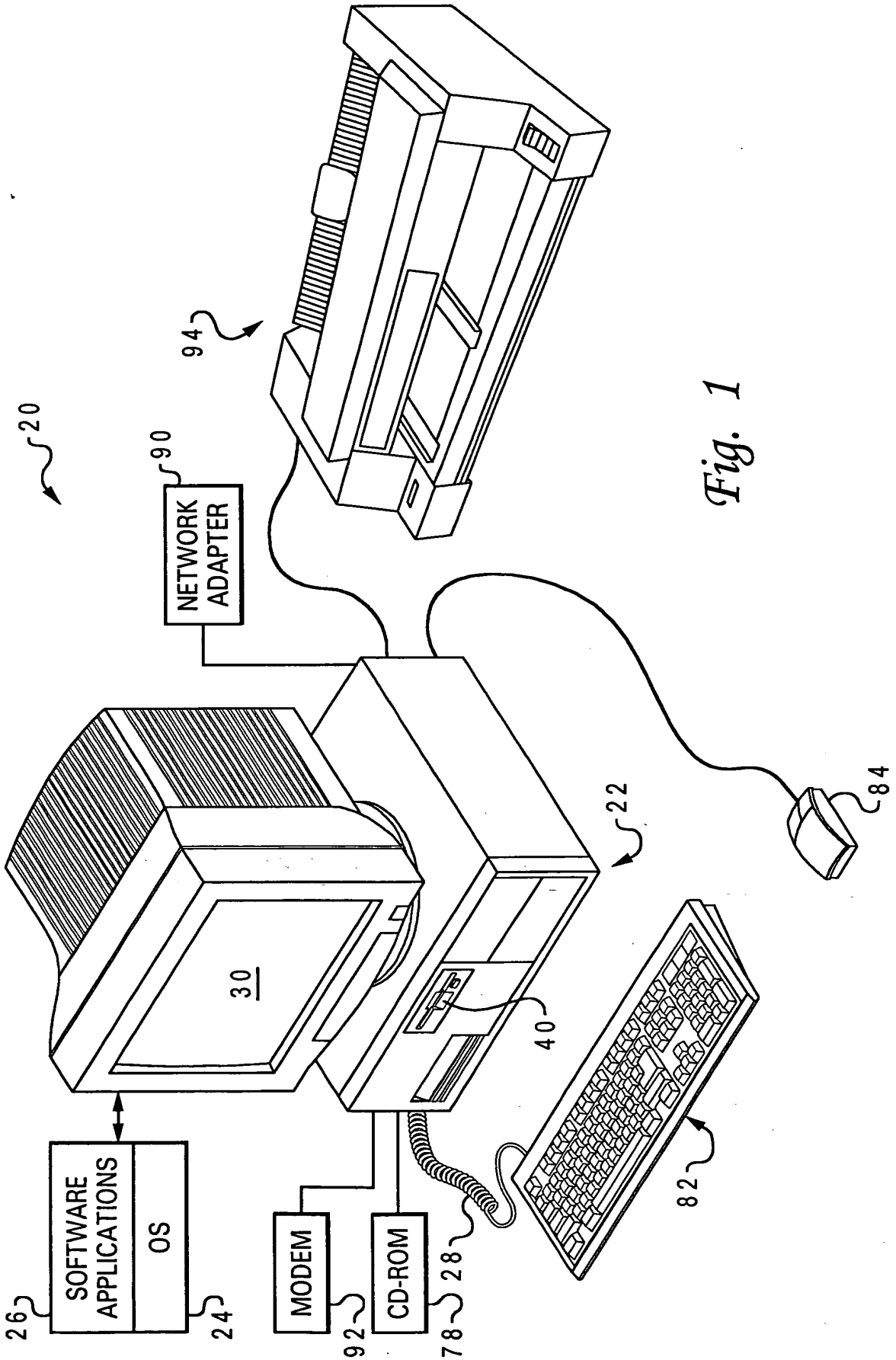

Fig. 1

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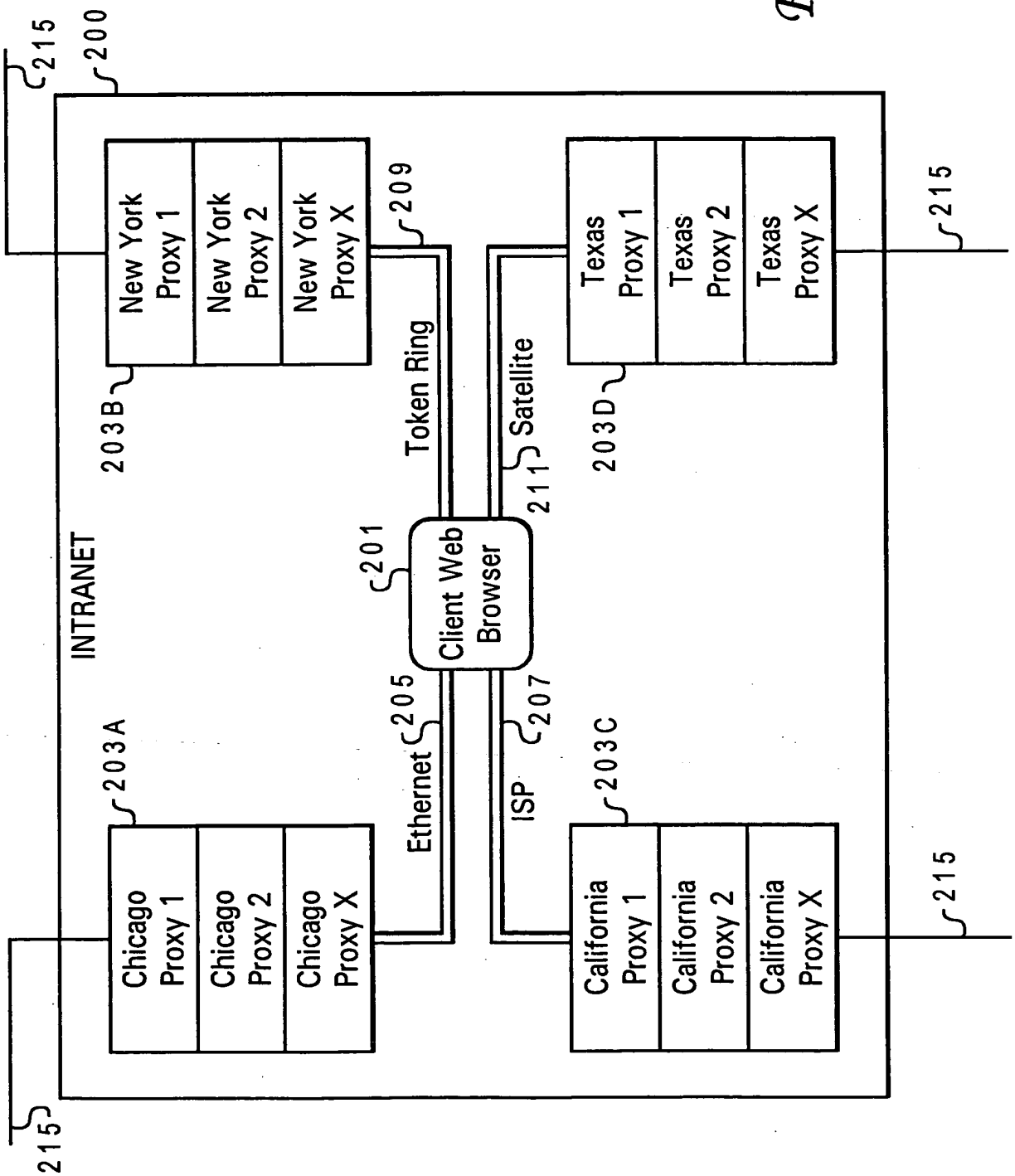

Fig. 2

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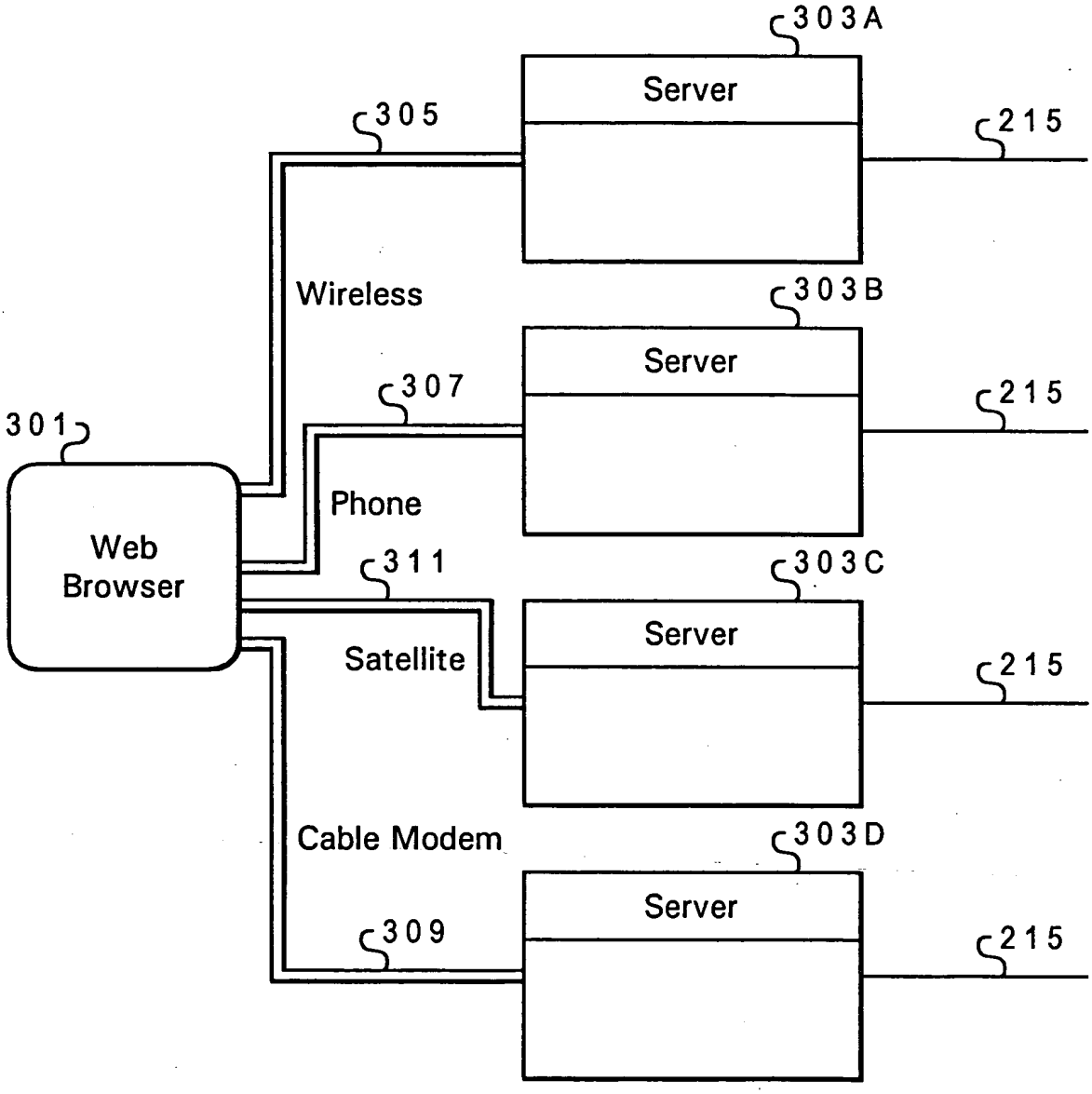

Fig. 3

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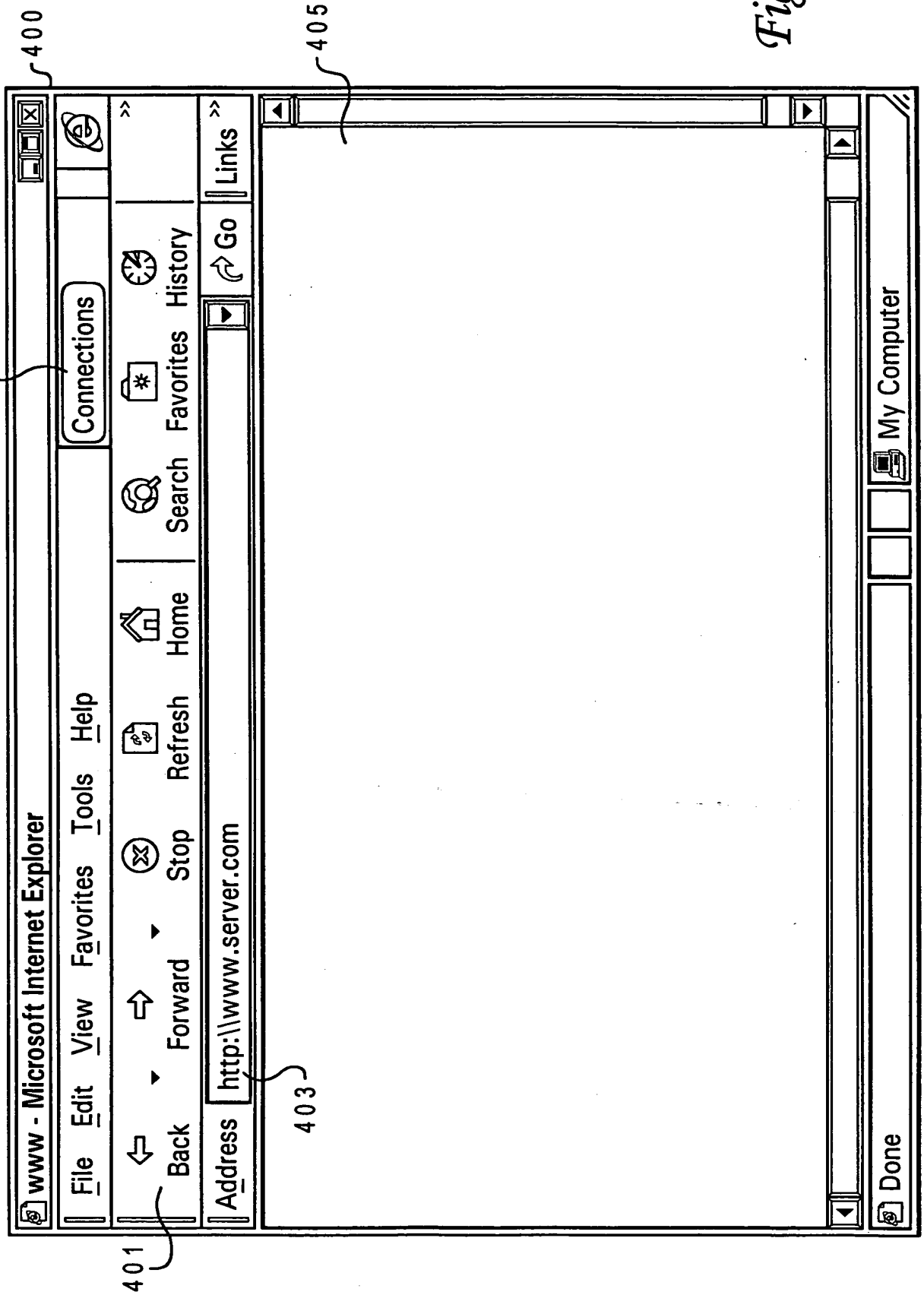

Fig. 4

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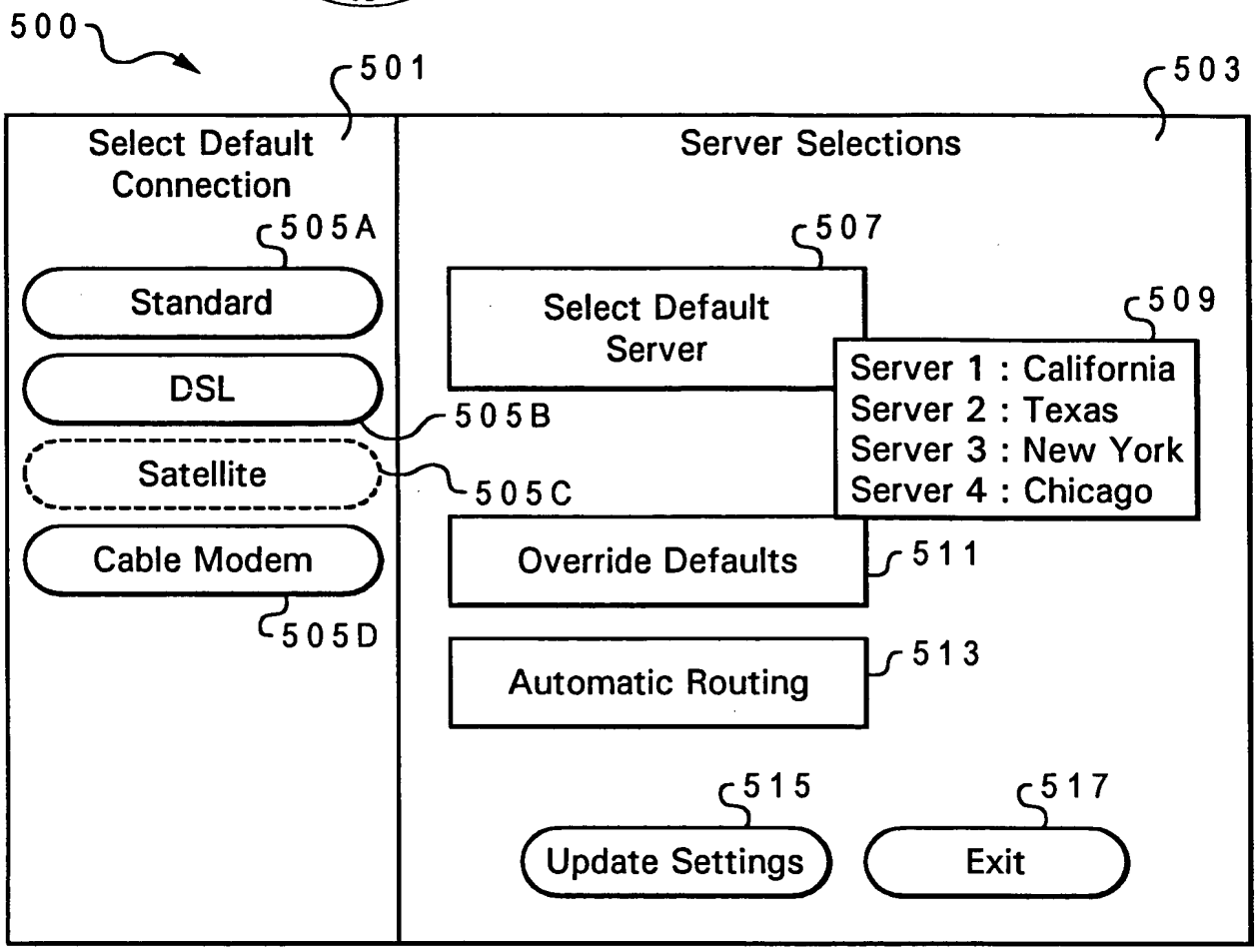

Fig. 5A

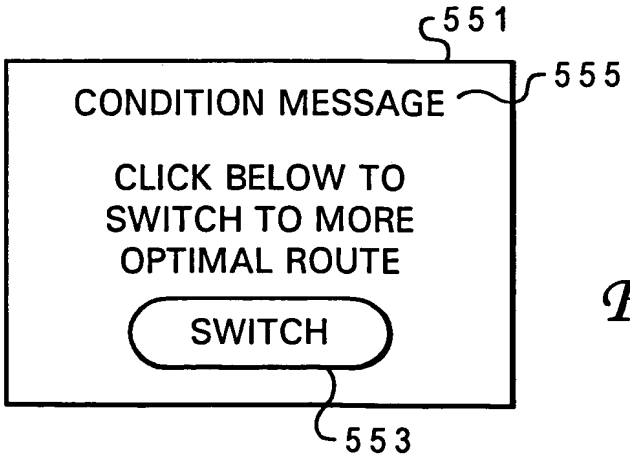

Fig. 5B

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600

Criteria	Default for all domains	ibmgame.com domain	Server connection A average metrics	Server connection B average metrics	Server connection A ibmgame.com domain	Server connection B ibmgame.com domain
Location	3	3	2	5	5	2
Latency	4	1	4	5	5	1
Bandwidth	3	5	2	5	5	4
Packet Size	5	2	4	5	5	2
$ Cost	2	4	1	5	5	4
Reliability	5	3	2	5	5	2
Capacity	3	5	3	5	5	4
...						
Relative Rating	25/7	23/7	18/7	5	5	19/7

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605

Fig. 6A

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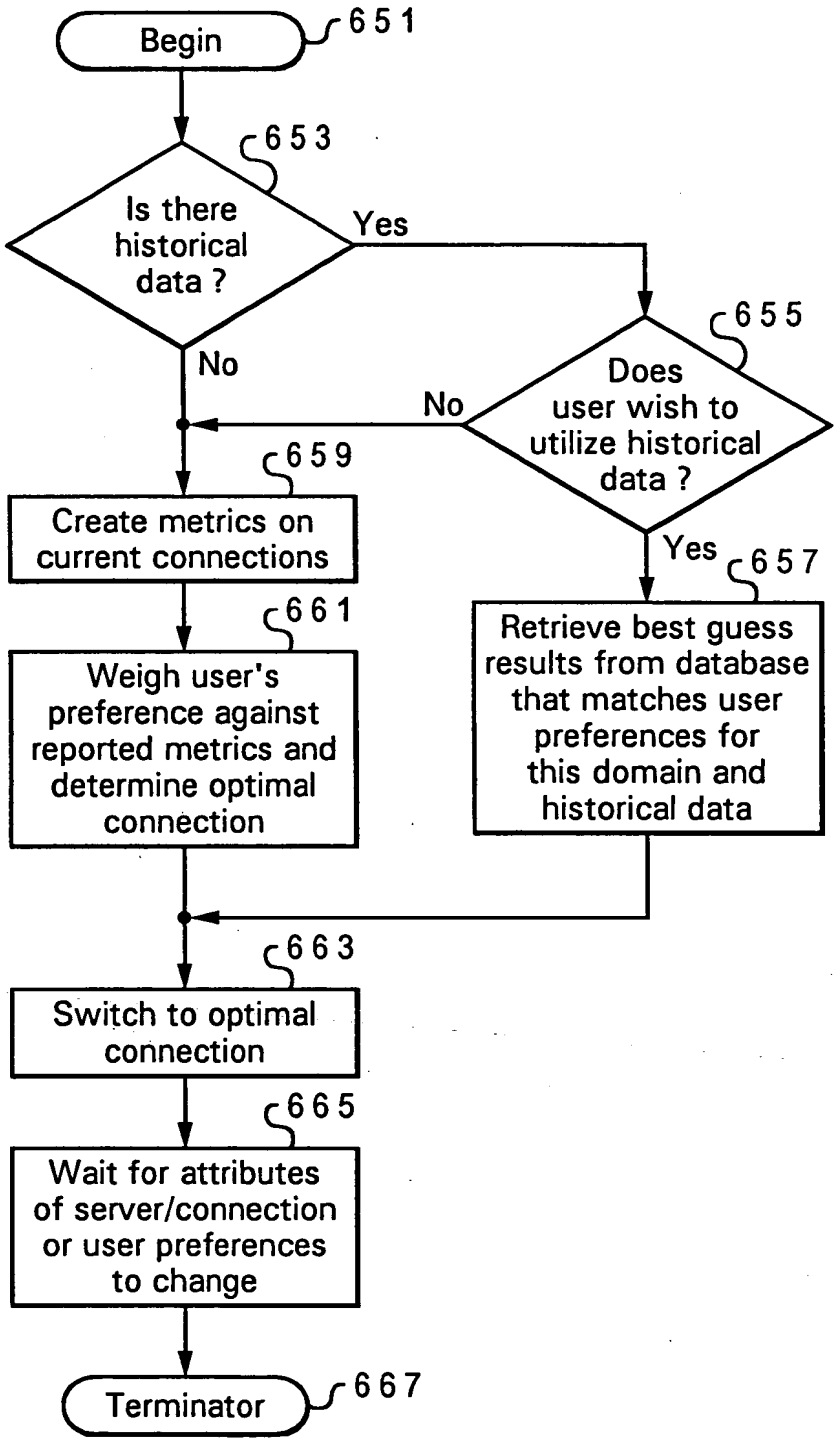

Fig. 6B

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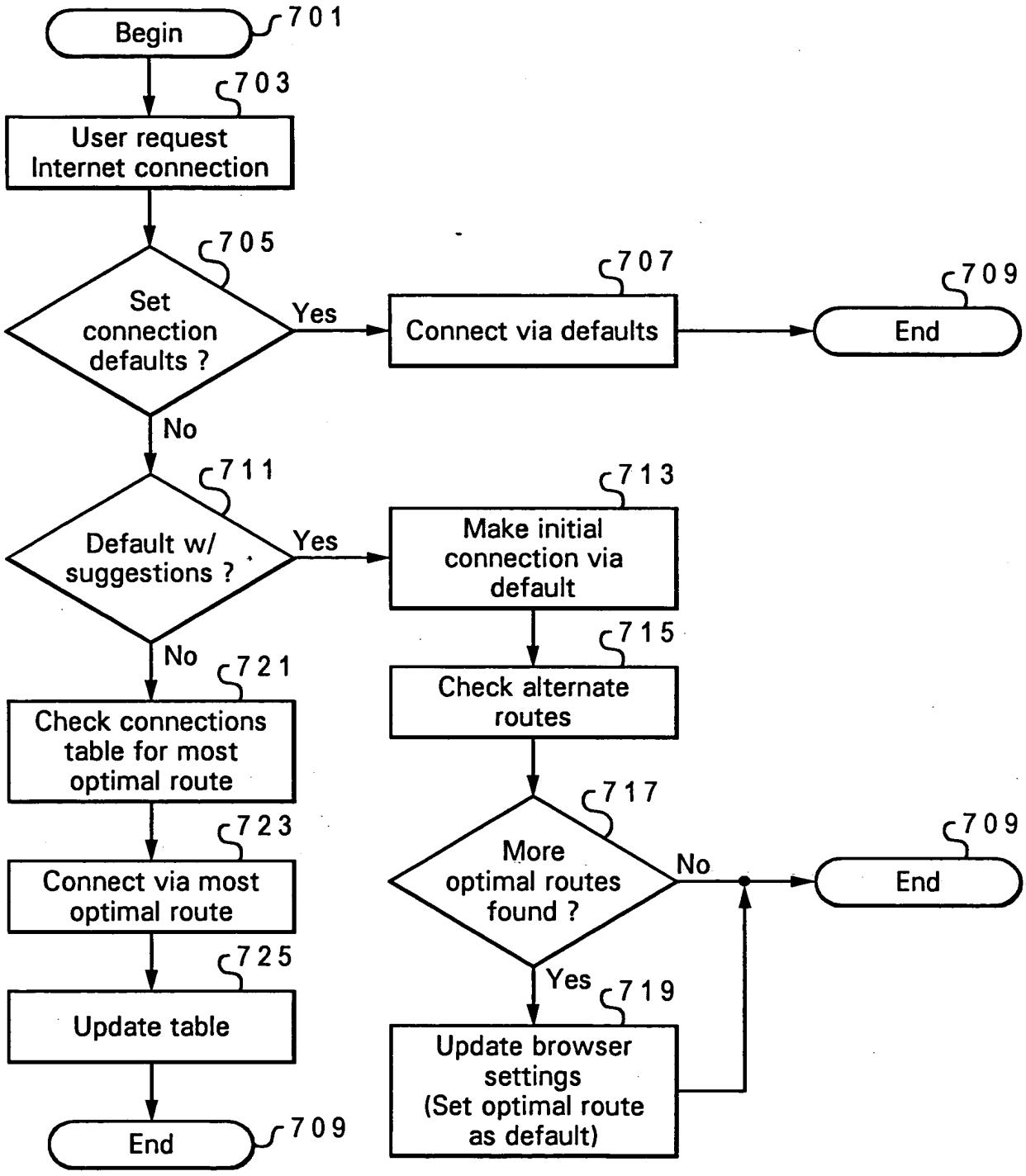

Fig. 7

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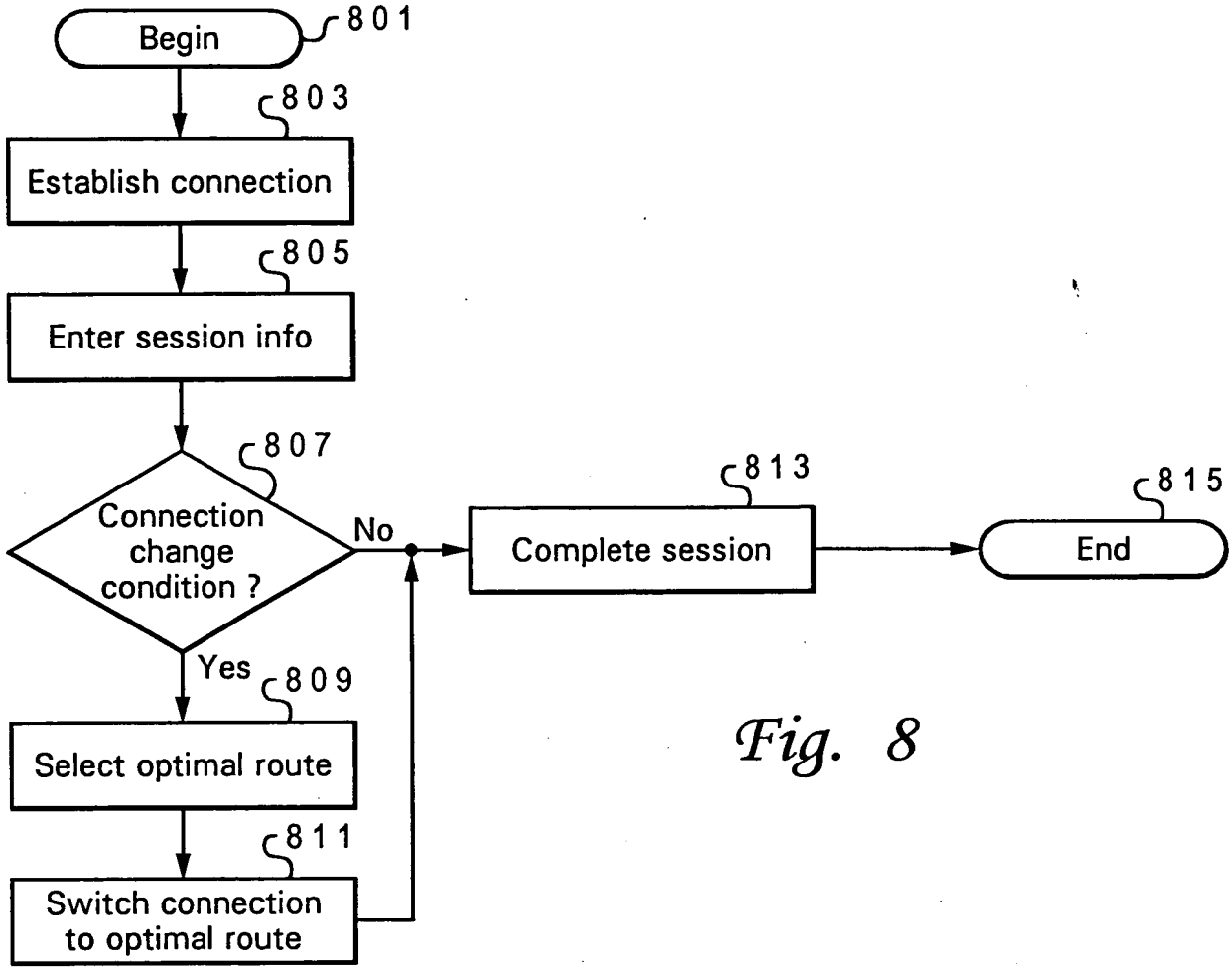

Fig. 8

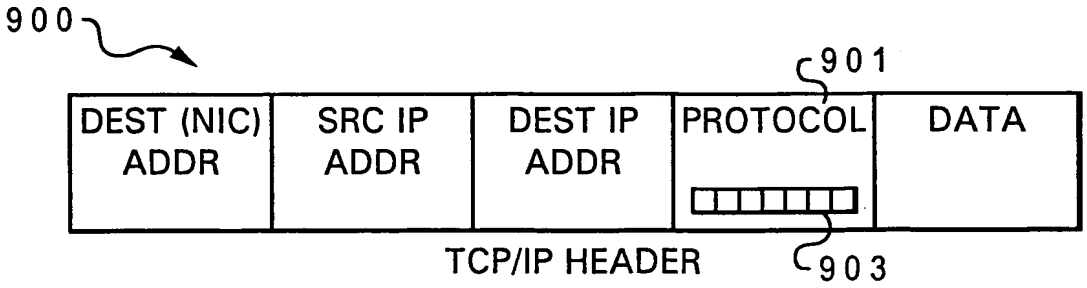

Fig. 9

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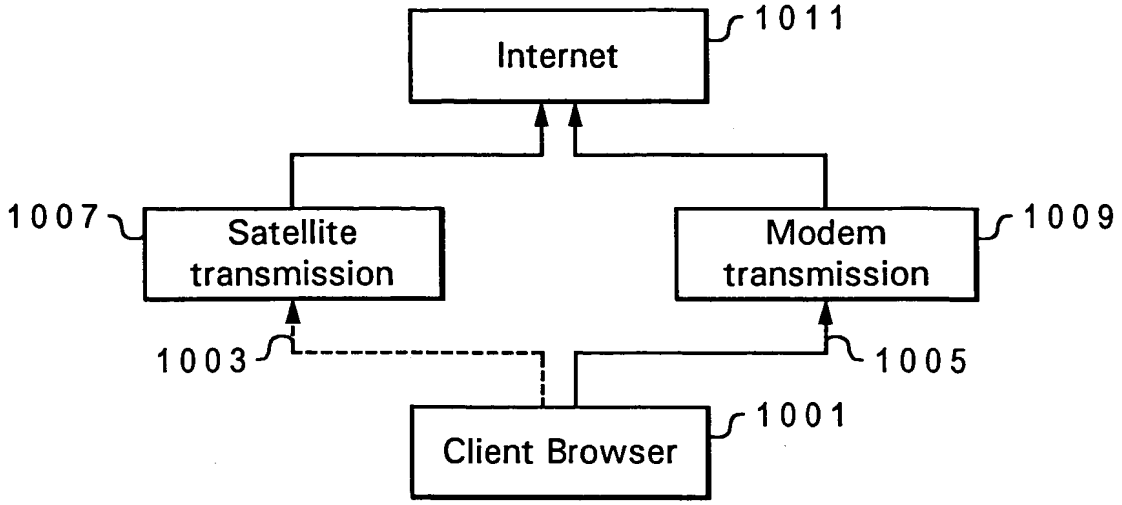

Fig. 10

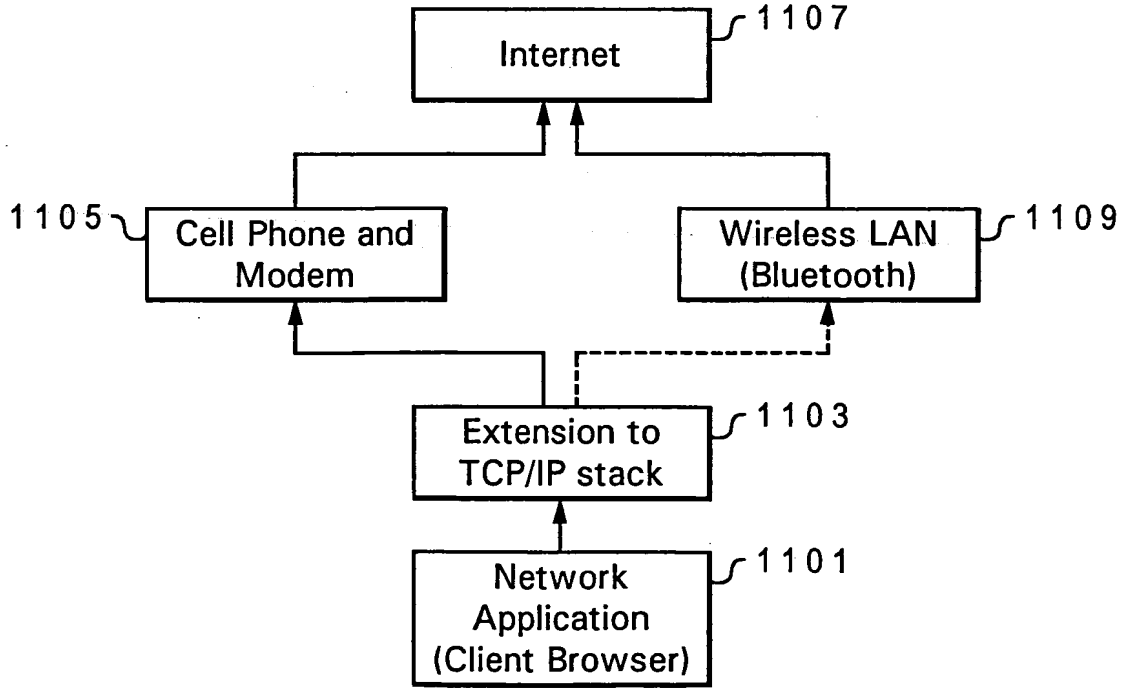

Fig. 11